

REMARKS

Claims 1-3, 7-8, 10-11, 13-15, 21-27, 30-32, 34-35, 37-57, 63, 65, 67-68, 70-72, 75, 77-78, 80-89, and 91 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,205,481 (Heddaya) in view of U.S. Patent No. 6,742,033 (Smith) and US 2002/0147887 (Copeland). Claims 6, 9, 19, 28, 36, 58-62, 64, 74, 76, and 90 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heddaya, Smith, and Copeland, and further in view of U.S. Patent No. 6,092,192 (Reiche).

Copeland was filed on December 18, 2000, and was published on October 10, 2002. Therefore, this reference is being cited as 102(e) art and is thus eligible to be overcome based upon an affidavit or declaration from an inventor pursuant to 37 C.F.R. § 1.131. See MPEP § 715. Also, per the telephonic discussion with Examiner Stork on June 5, 2006, an affidavit or declaration under § 1.131 that is filed with a RCE would be considered seasonably presented under MPEP § 715.

Attached to this Response is the Declaration of Sowmya Subramanian, Ramu Sunkara, Kunal Kapur, Anthony Lai, Sarim Siddiqui, Sunny Wong, and Hyun-Sik Byun, under 37 C.F.R. § 1.131 in which they attest to the fact that the claimed invention was actually reduced to practice prior to the effective date of the Copeland reference. Photocopies of exhibits of records (Design Specification and Presentation Material) relating to the conception, development, and reduction to practice of the claimed subject matter are attached to the Declaration.

For at least this reason, it is respectfully submitted that Copeland cannot be used to anticipate or render obvious the claimed subject matter. Therefore, the combination of Heddaya, Smith, and Copeland cannot be used to render the claims 1, 23, 49, 63, 70, and 71 obvious, and the combination of Heddaya, Smith, Copeland, and Reiche cannot be used to render claim 58 obvious.

Moreover, it is respectfully noted that Applicant does not acquiesce in the basis of the rejection. Claim 1 recites an act of prefabricating a first page that comprises querying a database to obtain cached data (i.e., *the cached data is obtained from the database after the data is cached in the database*), processing the data received from the database, and packaging information

associated with the data in a prescribed format (i.e., *the acts of processing the data and packaging information are performed after the cached data is obtained from the database*). Claims 23, 49, 58, 63, 70, and 71 recite similar limitations. Applicants agree with the Examiner that Heddaya and Smith do not disclose or suggest the above limitation. According to the Office Action, paragraphs 38-41 of Copeland allegedly disclose the above limitation. However, Applicants respectfully note that the above cited passages of Copeland disclose caching data, but does not disclose or suggest obtaining the data from the database after it is cached in the database, as recited in the above claims. In addition, paragraph 41 of Copeland actually discloses:

[0041] In many cases, it would be advantageous to cache a reusable command that generates HTML web content. As an alternative to caching the command itself, we may cache the fully rendered HTML--there are both advantages and disadvantages to each option. If we cache the HTML, the underlying data does not have to be rendered into HTML code for each request. On the other hand, if we cache the command, we have to render the content into HTML each time it is requested, but we avoid having to access the database again each time the view changes.

(Emphasis Added)

As such, the cited passage discloses caching data (to the extent that the disclosed "HTML" data is analogized as the cached data), but does not disclose or suggest obtaining the cached data from a database after it is cached in the database, nor does the cited passage disclose or suggest processing the cached data after the data is cached in a database, much less, packaging information in a prescribed format after the data is cached in a database. Notably, the only scenario in which the cached data is processed (e.g., rendered into HTML) is when the data "is requested" by a user (see paragraph 41), which is the opposite of that recited in the claims (reciting that the processing of cached data is not in response to a request). For the foregoing reasons, claims 1, 23, 49, 63, 70, 71, and their respective dependent claims are believed allowable over Heddaya, Smith, Copeland, and their combination, and claim 58 and its

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dependent claims are believed allowable over Heddaya, Smith, Copeland, Reiche, and their combination.

CONCLUSION

Based on the foregoing, all remaining claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number **7011452001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number **7011452001**.

Respectfully submitted,
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